

REMARKS

This responds to the Office Action mailed on May 9, 2006.

Claim 2 is amended, claims 7 and 9-10 and 13-22 are canceled; as a result, claims 1-6, 8, 11-12, and 23-26 are now pending in this application.

Affirmation of Election

Restriction to one of the following claims was required:

- I. Claims 1-12 and 23-26.
- II. Claims 13-22.

As provisionally elected by Applicants representative, Charles E. Steffey, on December 14, 2005, Applicant elects to prosecute the invention of Group I, claims 1-12 and 23-26.

The claims of the non-elected invention, claims 13-22, are hereby canceled. However, Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

Objection of the Claims

Claim 2 is objected to because of the following informalities: As written, claim 2 states "...a layer of metal nitride deposited over the layer of metal nitride." Examiner is interpreting this phrase as "...a layer of metal nitride deposited over the layer of metal oxide." Examiner believes this is a misprint and requires correction and/or clarification.

Claim 2 was amended.

§ 112 Rejection of the Claims

Claims 7 and 9-10 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The claims were either deleted or amended.

§102 Rejection of the Claims

Claim 1 was rejected under 35 USC § 102(b) as being anticipated by DePyudt, et al. (U.S.6,030,556). The Applicant respectfully traverses this rejection and requests the Office to consider the following.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), M.P.E.P. §2131, 8th Ed., Rev. 4).

The Office Action states that DePuydt teaches a “first coating providing an adherable surface” (Office Action at page 5). Applicant respectfully disagrees. The first coating 44 of DePuydt is taught as dielectric, and fails to teach anything regarding adherability or the lack thereof. The Office Action also states that DePuydt teaches a “second coating providing a non-adhesive outer surface” (Ibid). Regarding the second coating, Applicant notes that the Office has not specified which coating is meant, since the Office did not cite to specific materials, only sections of DePuydt’s disclosure. In any event, the layers depicted in FIG. 4 are mostly removed (see FIG. 7), such that there is only one coating 44 in the finished product. This is outside the bounds of what is set forth in claim 1. Withdrawal of the rejections is respectfully requested.

Claims 1 and 11 were rejected under 35 USC § 102(b) as being anticipated by Ohman et al. (U.S. 6,454,970). The Applicant respectfully traverses this rejection and requests the Office to consider the following.

The Office Action states that Ohman teaches a “first coating providing an adherable surface” (Office Action at page 6). Applicant respectfully disagrees. The first coating 62 of Ohman must be under the second coating. The Office Action also states that Ohman teaches a “second coating providing a non-adhesive outer surface” (Ibid). Regarding the second coating 7, Applicant notes that Item 7 is against the substrate 3a. Consequently the claimed structure cannot be matched to the structure cited by the Office in Ohman. This is outside the bounds of what is set forth in claim 1. Withdrawal of the rejections is respectfully requested.

Claims 23-24 were rejected under 35 USC § 102(b) as being anticipated by Ohman et al. (U.S. 6,454,970). The Applicant respectfully traverses this rejection and requests the Office to consider the following.

The Office Action states that Ohman teaches a “polymer film” (Office Action at page 6). Applicant respectfully disagrees. The plastic element 3 does not include epoxy. Rather, the epoxy is referred to with respect to the first coating 62 of Ohman, which must be a carrier element 62. This is not a release layer. Consequently the claimed structure cannot be matched to the structure cited by the Office in Ohman. This is outside the bounds of what is set forth in claim 1. Withdrawal of the rejections is respectfully requested.

§103 Rejection of the Claims

Claims 2-3 and 5-6 were rejected under 35 USC § 103(a) as being unpatentable over DePuydt et al. in view of Ohman et al. and further in view of Imatomi (U.S. 2006/0051453 A1). Applicant respectfully traverses the rejection and requests the Office to consider the following.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (M.P.E.P. § 2143 8th Ed, Rev.4).

The Office Action admits that Depuydt “do not teach that the second and third base layer of the first coating are metal oxide and metal nitride. specifically zirconium oxide and zirconium nitride nor does DePuydt, et al. teach the thicknesses of each layer.” (Office Action at page 7). The Office action turns to Ohman to state that Ohman teaches the use of a three-layered substrate. (Ibid). But neither Depuydt nor Ohman teach the basic structure set forth in claim 1 as set forth above. Consequently, the combination of Depuydt and Ohman do not teach all the

claim limitations. The Applicant notes this rejection included Imatori, but no reference can be found in the body of the rejection. Withdrawal of the rejection is respectfully requested.

Claims 4 and 8 were rejected under 35 USC § 103(a) as being unpatentable over DePuydt et al. in view of Cheung et al. (U.S. 6,210,514). Applicant respectfully traverses the rejection and requests the Office to consider the following.

The deficiencies of DePuydt as set forth above are incorporated herein by reference. The Office Action admits that “do not teach that the second and third base layer of the first coating are metal oxide and metal nitride. specifically zirconium oxide and zirconium nitride nor does DePuydt, et al. teach the thicknesses of each layer.” (Office Action at page 7). The structural limitations that are deficient in DePuydt are not ameliorated by the cited teaching of Cheung. Withdrawal of the rejection is respectfully requested.

Claims 7 and 9 were rejected under 35 USC § 103(a) as being unpatentable over DePuydt et al. in view of Ohman et al. and further in view of Imatomi (U.S. 2006/0051453 A1) and further in view of www.stcsm.gov.cn - "Light Duty; Managing MOEMS" (July 19, 2001). Applicant respectfully traverses the rejection and requests the Office to consider the following.

The deficiencies of DePuydt and Ohman as set forth above are incorporated herein by reference. The Office Action admits that “do not teach that the second and third base layer of the first coating are metal oxide and metal nitride. specifically zirconium oxide and zirconium nitride nor does DePuydt, et al. teach the thicknesses of each layer.” (Office Action at page 7). The structural limitations that are deficient in DePuydt and Ohman are not ameliorated by the cited teaching of www.stcsm.gov.cn - "Light Duty; Managing MOEMS" (July 19, 2001). Withdrawal of the rejection is respectfully requested.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over DePuydt et al. in view of www.stcsm.gov.cn - "Light Duty; Managing MOEMS" (July 19, 2001). Applicant respectfully traverses the rejection and requests the Office to consider the following.

The deficiencies of DePuydt and Ohman as set forth above are incorporated herein by reference. The Office Action admits that “do not teach that the second and third base layer of the first coating are metal oxide and metal nitride. specifically zirconium oxide and zirconium nitride

nor does DePuydt, et al. teach the thicknesses of each layer.” (Office Action at page 7). The structural limitations that are deficient in DePyudt and Ohman are not ameliorated by the cited teaching of www.stcsm.gov.cn - "Light Duty; Managing MOEMS" (July 19, 2001). Withdrawal of the rejection is respectfully requested.

Claims 12 and 25 were rejected under 35 USC § 103(a) as being unpatentable over Ohman et al. in view of Imatomi (U.S. 2006/0051453 A1). Applicant respectfully traverses the rejection and requests the Office to consider the following.

The deficiencies of Ohman as set forth above are incorporated herein by reference. The structural limitations that are deficient in Ohman are not ameliorated by the cited teaching of www.stcsm.gov.cn - "Light Duty; Managing MOEMS" (July 19, 2001). Withdrawal of the rejection is respectfully requested.

Claim 26 was rejected under 35 USC § 103(a) as being unpatentable over Ohman et al., in view of Imatomi (U.S. 2006/0051453 A1) and further in view of Cheung et al. The deficiencies of Ohman and Cheung as set forth above are incorporated herein by reference. The structural limitations that are deficient in DePuydt are not ameliorated by the cited teaching of Cheung. Withdrawal of the rejection is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6970) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

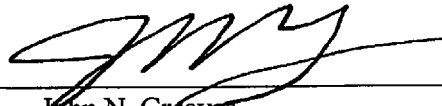
Respectfully submitted,

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Date October 10, 2006

By /



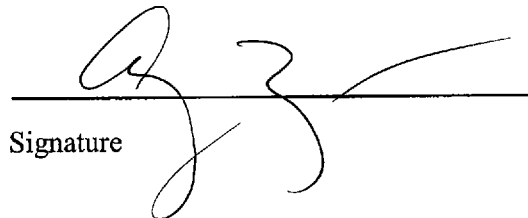
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10th day of October 2006.

Amy Moriarty

Name



Signature